

1713
APR 1 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of:

LINDA N. WINSLOW

Group Art Unit: 1713

Serial No.: 10/087,028

Examiner: Robert D. Harlan

Filed: March 1, 2002

For: DIMINE COMPLEXES FOR OLEFIN POLYMERIZATION

Attorney Docket No.: LYON 0127 PUS

AMENDMENT UNDER 37 C.F.R. § 1.111

Mail Stop Non-Fee Amendment
Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby responds to the Office Action dated January 7, 2004. Claims 12-20 are pending. Favorable reconsideration is respectfully requested. Applicant wishes to express her appreciation to Examiner Harlan for removing the finality of the prior rejection.

The remaining claims, claims 12-20, have been rejected under 35 U.S.C. § 102(a) over *Hauptmann* WO 01/923342. As indicated previously, *Hauptmann* requires branching at both imino-bound carbon atoms, while Applicant expressly does not allow branching at both carbons. Thus, *Hauptmann* teaches away from the subject invention. The Office's position apparently is that aryl groups are not branched at the imino carbon. This, however is clearly incorrect. The relevant portion of the structure is shown below, with an aryl group bonded to the imino nitrogen:

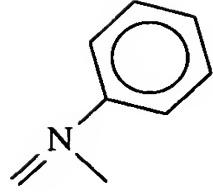
CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

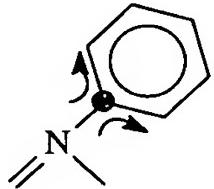
March 30, 2004
Date of Deposit

William G. Conger
Name of Person Signing


Signature



That the aryl group is branched is clearly shown by the fact that in traversing the aryl ring from the imino nitrogen, two alternative pathways may be taken:



The imino-bonded carbon (heavy black dot) is clearly a branch point. This is consistent with the way one skilled in the art would view the claim language. A Declaration Under Rule 132 can be submitted if the Examiner so desires, but the foregoing illustration should be sufficient to show that such a group is a branched hydrocarbon as that term is intended by Applicant. Withdrawal of the rejection of the claims under 35 U.S.C. § 102(a) is solicited.

Applicant submits that the claims are now in condition for Allowance, and respectfully request a Notice to that effect. If the Examiner believes that further discussion will advance the prosecution of the Application, the Examiner is highly encouraged to telephone Applicants' attorney at the number given below.

Respectfully submitted,

LINDA N. WINSLOW

By


William G. Conger
Reg. No. 31,209
Attorney/Agent for Applicant

Date: March 30, 2004
BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400; Fax: 248-358-3351